

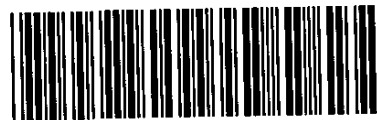
# AM10

## Notice of administrator's progress report



Companies House

FRIDAY



A16 \*A7L9AZ0G\* #657  
21/12/2018  
COMPANIES HOUSE

### 1 Company details

Company number 0 2 6 4 5 9 1 6

Company name in full Milward Construction (Belper) Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Administrator's name

Full forename(s) Dean

Surname Nelson

### 3 Administrator's address

Building name/number St Helens House

Street King Street

Post town Derby

County/Region

Postcode D E 1 3 E E

Country

### 4 Administrator's name ①

Full forename(s) Megan

Surname Wallis

① Other administrator  
Use this section to tell us about  
another administrator.

### 5 Administrator's address ②

Building name/number The Mills

Street Canal Street

Post town Derby

County/Region

Postcode D E 1 2 R J

Country

② Other administrator  
Use this section to tell us about  
another administrator.

# AM10

## Notice of administrator's progress report

### 6 Period of progress report

From date	d	2	d	8	m	0	m	5	y	2	y	0	y	1	y	8
To date	d	2	d	7	m	1	m	1	y	2	y	0	y	1	y	8

### 7 Progress report

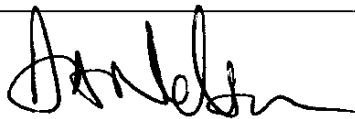
☒ I attach a copy of the progress report

### 8 Sign and date

Administrator's  
signature

Signature

X



X

Signature date

d	1	d	8	m	1	m	2	y	2	y	0	y	1	y	8
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**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £	From 28/05/2018 To 27/11/2018 £	From 28/05/2015 To 27/11/2018 £
	SECURED ASSETS	
	Goodwill	NIL
		4,000.00
		NIL
		4,000.00
	SECURED CREDITORS	
	National Westminster Bank plc	NIL
		4,000.00
		NIL
		(4,000.00)
	ASSET REALISATIONS	
2,850.00	Office Furniture, Plant & Machinery	NIL
4,750.00	Motor Vehicles	4,660.00
NIL	Work in Progress	5,500.00
5,272.00	Book Debts	7,890.00
7,946.00	Customer Retentions	20,978.77
NIL	Prepayments & Other Debtors	3,803.88
NIL	Corporation Tax Refund	NIL
NIL	Heron Homes Limited Claim	9,955.83
NIL	Petition Deposit Refund	NIL
	Cash at Bank	3,138.25
	Creditors' Meeting Funding	372.77
	Returned Direct Debits	2,613.92
	Bank Interest Gross	1,614.41
	Statutory Interest on Book Debts	75.99
	Director's Loan Account	246.24
		12,500.00
		12.64
		73,350.06
	COST OF REALISATIONS	
	Specific Bond	NIL
	Creditors' Meeting Costs	162.00
	Joint Administrators' Pre-App Fees S	2,613.92
	Joint Administrators Fees - Smith Co	14,237.10
	Joint Administrators Fees - Bates We	17,040.15
	Agents Pre-Appointment Fees	9,798.43
	Quantity Surveyor's Pre-Appointment	425.00
	Pre-Appointment Legal Fees	1,250.00
	Post Appointment Legal Fees	1,380.00
	Corporation Tax	9,913.56
	Quantity Surveyor's Post Appointment	1,041.58
	Legal Disbursements	475.49
	Travel/Subsistence	1,167.00
	Storage Costs	3,629.28
	Re-Direction of Mail	30.25
	Statutory Advertising	160.00
	Insurance of Assets	136.40
	Land Registry/Company Search	376.91
	Duplicate V5 Documentation Fee	28.00
		25.00
		(1,266.26)
		(63,132.15)
	PREFERENTIAL CREDITORS	
(15,106.00)	Employees - Arrears of Pay & Holiday	NIL
		NIL
	FLOATING CHARGE CREDITORS	
(21,898.00)	National Westminster Bank plc	NIL
		NIL
	UNSECURED CREDITORS	
(717,293.00)	Trade & Expense Creditors	NIL

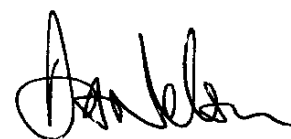
**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £		From 28/05/2018 To 27/11/2018 £	From 28/05/2015 To 27/11/2018 £
(15,400.00)	HMRC - PAYE/NIC	NIL	NIL
(97.00)	HMRC - VAT	NIL	NIL
(25,731.00)	Director's Loan Account - Mr S Milw	NIL	NIL
(4,804.00)	Other Creditors & Accruals	NIL	NIL
(15,232.00)	Employees - Arrears of Pay	NIL	NIL
(78,607.00)	Employees - Redundancy Pay & PIL	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(20,000.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
<b>(893,350.00)</b>		<b>(1,253.62)</b>	<b>10,217.91</b>
	REPRESENTED BY		
	Vat Receivable		219.85
	Floating Charge Account		9,998.06
			<b>10,217.91</b>

Note:

The amounts stated are net of VAT.

Funds are held in a non-interest bearing account.



Dean Nelson  
Joint Administrator

**High Court of Justice, Chancery Division, Companies Court  
No. 3587 of 2015**

**Milward Construction (Belper) Limited  
(In Administration)**

**The Joint Administrators' Progress Report to 27 November 2018**

**Dean Nelson**

**Smith Cooper  
St Helen's House, King Street, Derby, DE1 3EE  
01332 332021**

**Megan Wallis**

**Bates Weston LLP  
The Mills, Canal Street, Derby DE1 2RJ  
01332 365855**

**This report has been prepared for the sole purpose of updating the creditors for information purposes. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.**

**Dean Nelson and Megan Wallis were appointed Joint Administrators of Milward Construction (Belper) Limited on 28 May 2015. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.**

## **ABBREVIATIONS**

For the purpose of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986
"the Rules"	Insolvency Rules 1986 (as amended)
"the Joint Administrators"	Dean Nelson of Smith Cooper and Megan Wallis of Bates Weston
"the Company"	Milward Construction (Belper) Limited (in Administration)
"the Court"	High Court of Justice, Chancery Division, Companies Court
"the London Court"	County Court at Central London, Chancery Business
"EOS"	Estimated Outcome Statement
"SIP"	Statement of Insolvency Practice (England & Wales)
"Review Period"	Period covered by the report from 28 May 2018 to 27 November 2018
"SoA"	Statement of Affairs dated 28 May 2015
"QS"	Quantity Surveyor
"PP"	Prescribed Part
"Natwest" or "the Bank"	National Westminster Bank Plc
"SP"	The Smith Partnership

**Contents**

1. Executive Summary
2. Administrators' Proposals
3. The Progress of the Administration
4. Creditors: Claims and Distributions
5. Investigations
6. The Joint Administrators' Fees and Expenses
7. Conclusion

**Appendices**

- I. Statutory Information
  - II. The Joint Administrators' Receipts and Payments Account
  - III. The Joint Administrators' EOS
  - IV. The Joint Administrators' Time Costs during the Review Period and Cumulative
  - V. Charge-out Rates and Bases of category 2 Disbursements
  - VI. Details of Work Undertaken
-

**Milward Construction (Belper) Limited (In Administration)**  
**The Joint Administrators' Progress Report to 27 November 2018**

## 1. EXECUTIVE SUMMARY

This report describes the progress during the Review Period.

A summary of key information in this report is detailed below.

### 1.1. Asset realisations

<b>Asset</b>	<b>Estimated to realise per SoA (£)</b>	<b>Realised to date (£)</b>	<b>Anticipated Future Realisations (£)</b>	<b>Total Anticipated Realisations (£)</b>
Goodwill (net of secured creditor)	-	-	-	-
Office Furniture, Plant & Machinery	2,850	4,660	-	4,660
Motor Vehicles	4,750	5,500	-	5,500
Work in Progress	Nil	7,890	-	7,890
Book Debts	5,272	20,979	-	20,979
Customer Retentions	7,946	3,804	-	3,804
Prepayments & Other Debtors	Nil	-	-	Nil
Corporation Tax Refund	Nil	9,956	-	9,956
Heron Homes Limited Claim	Nil	-	-	-
Petition Deposit Refund	Not shown	3,138	-	3,138
Cash at Bank	Not shown	373	-	373
Creditors' Meeting Funding	Not shown	2,614	-	2,614
Returned Direct Debits	Not shown	1,614	-	1,614
Bank Interest Gross	Not shown	76	-	63
Statutory Interest on Book Debts	Not shown	246	-	246
Director's Loan Account	Not shown	12,500	-	12,500
<b>Total</b>	<b>20,818</b>	<b>73,337</b>	<b>-</b>	<b>73,337</b>

### 1.2. Expenses / Fees

<b>Expense / Fees</b>	<b>Estimated per Proposal's EoS (£)</b>	<b>Expense / Fees incurred to date (£)</b>	<b>Anticipated further expense / Fees to closure (£)</b>	<b>Total anticipated expense / Fees (£)</b>	<b>Report Section</b>
Joint Administrators' Pre-appointment Fees	14,237	14,237	-	14,237	
Joint Administrators' Post Appointment Fees	8,356	128,867	11,000	139,867	6.1/6.2
Solicitors' Pre-appointment Fees and Disbursements	1,200	5,009	-	5,009	
Solicitors' Post-appointment Fees and Disbursements	2,000	47,682	6,000	63,682	6.3
Agents' Pre-appointment Fees and Disbursements	425	425	-	425	
QS' Pre-appointment Fees and Disbursements	1,250	1,250	-	1,250	
QS' Post-appointment Fees and Disbursements	-	475	-	475	

**Milward Construction (Belper) Limited (In Administration)**  
**The Joint Administrators' Progress Report to 27 November 2018**

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Corporation Tax	800	1,042	-	1,042	
Other Administrative Disbursements	3,000	3,942	100	4,042	
<b>Total</b>	<b>31,268</b>	<b>202,929</b>	<b>17,100</b>	<b>220,029</b>	

### 1.3. Dividend prospects

<b>Creditor class</b>	<b>Dividend / Distribution paid to date (p in £)</b>	<b>Anticipated Further Dividend / Distribution (p in £)</b>	<b>Anticipated Total Dividend / Distribution (p in £)</b>
Secured creditor	18.2	Nil	18.2
Preferential creditors	Nil	Nil	Nil
Unsecured creditors	Nil	Nil	Nil

An extension to the period of Administration of 12 months was granted by the secured and preferential creditors on 25 May 2016, and a further extension of 2 years was granted by the Court on 25 May 2017 and thus the Administration is now scheduled to end on 27 May 2019.

### 1.4. Summary of key issues outstanding

The outstanding key issues are as follows:-

- Finalising claims identified as part of our investigations.

### 1.5. Closure

Based on current information, the prospect of any dividend being paid to preferential or unsecured creditors will be dependent on the results of the claims. The closure date of the Administration will also depend on the claims. Creditors will be updated further on progress in my next report, so as not to prejudice current/contemplated proceedings.

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## **2. ADMINISTRATORS' PROPOSALS**

### **2.1. Introduction**

As previously reported to creditors, the Administrators concluded that the objective in Paragraph 3(1)(a) of Schedule B1 of the Act would not be achieved, and presently there are insufficient funds available for a distribution to the unsecured creditors.

Consequently, the Administrators will perform their functions in relation to the Company with the objectives set out in Paragraph 3(1)(b) and 3(1)(c) of Schedule B1 of the Act, which is to make a distribution to one or more secured or preferential creditors, provided that this does not unnecessarily harm the interests of the creditors of the Company as a whole.

You will note from the receipts and payments account included at Appendix II, that a payment has been made to the secured creditor. Therefore, the Administrators have met the objectives set out in Paragraph 3(1)(c) of Schedule B1 of the Act.

The Administrators' Proposals in order to achieve this objective, were approved by creditors at a meeting held on 8 July 2015, and are stated as follows:

1. The Administrators will continue to manage the affairs and property of the Company, in such manner as we consider expedient, in order to realise the remaining property and settle the preferential claims at the earliest opportunity, or pursue any other purpose set out in these proposals or incidental to them.
2. When deemed appropriate, the Joint Administrators shall bring the Administration to a close using one of the following exit routes:-

- a) They shall place the Company into Creditors' Voluntary Liquidation and file notice with the Registrar of Companies. The proposed Joint Liquidators for this purpose are to be Dean Anthony Nelson of SC Advisory Services Limited t/a Smith Cooper and Megan Wallis of Bates Weston LLP.

In accordance with paragraph 83(7)(a) of Schedule B1 of the Insolvency Act 1986 and with Rule 2.117A(2)(b) of the Insolvency Rules 1986, creditors may nominate a different person as the proposed Liquidator, provided that the nomination is received prior to the proposals being approved (or deemed to be approved).

- b) Issue a Notice of Dissolution of the Company pursuant to Paragraph 84 of Schedule B1 of the Act.
  3. The Joint Administrators may, at their sole discretion, apply to extend the period of Administration.
  4. The Joint Administrators be authorised to make such application to the Court for directions as they consider appropriate with a view to achieving the purposes of the Administration.
  5. The Joint Administrators are authorised to investigate and if appropriate pursue any claims that the Company may have.
-

6. In addition, the Joint Administrators may do all such other things and generally exercise all of their powers as Administrator as, in their discretion, considered desirable in order to achieve the purposes of the Administration or to protect and preserve the assets of the Company or to maximise their realisations for any other purpose incidental to these proposals.
7. On the date of cessation of the Joint Administrators' appointment either pursuant to Paragraphs 83(6)(a) or 84(4) of Schedule B1 of the Act, as appropriate, the Joint Administrators be discharged from liability in accordance with paragraph 98 of the said schedule.

## **2.2 Progress on and achievement of the approved Proposals**

I have summarised below the progress and current status in respect of each of the approved proposals:

<b>Proposal</b>	<b>Current status</b>
1	This matter is ongoing and the progress is detailed later in this report.
2	It does not appear likely therefore that the Company will be placed into Creditors' Voluntary Liquidation due to there being insufficient funds to enable a distribution to be made to unsecured creditors, therefore based on current information, the Administration will be brought to a close by filing a Notice of Dissolution.
3	The Administration period has been extended by approval from creditors initially and subsequently by an application to the London Court. If required, a further extension will be sought by the Court.
4	As per point 3.
5	This matter is ongoing and progress is detailed later in this report.
6	This matter is ongoing and progress is detailed later in this report.
7	Not applicable to date.

Further information in respect of the realisation of assets, the status of liabilities, and the estimated outcome for creditors, is contained in the following sections of this report.

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### **3. THE PROGRESS OF THE ADMINISTRATION**

#### **3.1. The Joint Administrators' receipts and payments account**

Attached at Appendix II is a receipts and payments account for the Review Period together with a summary of the transactions since appointment.

In this section, we have summarised the main asset realisations during the Review Period and an estimation of those assets yet to be realised, together with details of the associated costs incurred, but as yet, remaining unpaid.

#### **3.2. Administration (including statutory reporting)**

The Joint Administrators have met a considerable number of statutory and regulatory obligations. Whilst many of these tasks have not had a direct benefit in enhancing realisations for the insolvent estate, they have assisted in the efficient and compliant progressing of the administration, which has ensured that the Joint Administrators and their staff have carried out their work to high professional standards.

During the Review Period, primarily these tasks have included:

- Drafting and issuing the progress report to creditors;
- Consulting with and instructing staff and independent advisers as regards practical, technical and legal aspects of the case to ensure efficient progress;
- Maintaining case files, which must include records to show and explain the Administration and any decisions made by the Joint Administrators that materially affect the Administration;
- Monitoring and maintaining an adequate statutory bond;
- Conducting periodic case reviews to ensure that the Administration is progressing efficiently, effectively and in line with the statutory requirements;
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments; and
- Completing periodic tax returns.

#### **3.3. Realisation of assets**

No realisations have been received during the period.

#### **3.4. Estimated future realisations**

Several rights of action claims are currently being considered as a result of our detailed investigations into the affairs of the Company and its directors, which may result in enhanced realisations for creditors in the estate. These are discussed further in section 5, but have been sensitised so as not to prejudice current or contemplated proceedings.

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### **3.5. Costs incurred but remaining unpaid**

The following table summarises the costs incurred during the Review Period, but which as yet remain unpaid:

<b>Cost Description</b>	<b>Amount plus VAT (£)</b>
Legal fees in assisting the Joint Administrators with their investigations and the merits of any action to be taken	5,033
<b>TOTAL</b>	<b>5,033</b>

During the Review Period, the Joint Administrators have also incurred time costs and direct expenses, not all of which have yet been discharged. Further details of these costs are set out in section 5 below.

## **4. CREDITORS: CLAIMS AND DISTRIBUTIONS**

### **4.1. Secured creditors**

At the date of appointment, the Company's bankers, Natwest, held fixed and floating charge security by way of debenture, created on 4 March 2002. The charge was registered on 7 March 2002, over all property and assets present and future including goodwill, book debts, uncalled share capital, buildings fixtures, fixed plant & machinery.

Prior to the Review Period, the Joint Administrators' legal advisors, Freeths LLP, confirmed the validity of the Bank's security, and a first and final distribution of £4k was declared and paid, under Natwest's fixed charge against its indebtedness of c.£21.9k. This represented the balance of the funds from the business and asset sale, which have been allocated against goodwill.

Based on current information, the likelihood of sufficient funds becoming available to enable any further distributions to be made to Natwest under its security, will depend on the outcome of the claims.

### **4.2. Preferential creditors**

The Joint Administrators and their staff have incurred time costs in assisting employees to obtain payment from the Redundancy Payments Office.

Preferential claims relating to unpaid holiday pay and wage arrears were estimated at c.£15k in the Director's Estimated Statement of Affairs.

Based on current information, the likelihood of sufficient funds becoming available to enable any distribution to the preferential creditors, will depend on the outcome of the claims.

### **4.3. Prescribed Part**

Under Section 176A of the Insolvency Act 1986, where after 15 September 2003 a company has granted to a creditor a floating charge, a proportion of the net property of the company must be made available purely for the unsecured creditors. This equates to:

- 50% of net property up to £10,000;

- Plus, 20% of net property in excess of £10,000.
- Subject to a maximum of £600,000.

The Company has granted a floating charge to Natwest prior to 15 September 2003, and as such, no PP applies in this Administration.

#### **4.4. Unsecured creditors**

Unsecured claims were estimated at c.£857k in the SoA. It is not currently anticipated that a dividend distribution will be declared to unsecured creditors in this matter. However, the Administrators are continuing with their detailed investigations into the affairs of the Company and its Directors, which may result in enhanced realisations in the estate, resulting potentially in a dividend becoming payable.

Creditors will be updated as to the progress in respect of these potential rights of action in my next report, subject to not prejudicing any current or contemplated proceedings.

### **5. INVESTIGATIONS**

- 5.1.** As part of the Joint Administrators' statutory duties, an investigation into the conduct of the Company Directors was completed.

As such, a confidential report was submitted to The Insolvency Service on 28 January 2016.

#### **5.2. Current Proceedings**

As reported to creditors previously, the following claims are being considered:-

- a. Investigations into the conduct of the Directors of the Company in the two years prior to the Administration of the Company.
- b. A potential wrongful trading claim;
- c. A potential misfeasance claim; and
- d. A potential claim for a transaction at an undervalue and/or a preference.

Due to the nature of some of the claims, the total value of the claims is yet to be determined.

An offer of settlement has been put forward by the Joint Administrators to the Director. The Director has stated that he is considering a settlement, subject to the practicalities of raising the required funds.

Further information cannot be disclosed by the Joint Administrators so as not to prejudice current proceedings. A further update will be provided in the next report.

#### **5.3. EC Regulations**

Council Regulation (EU) No 1346/2000 applies and these are the main proceedings as defined in that regulation.

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## **6. THE JOINT ADMINISTRATORS' FEES AND EXPENSES**

### **6.1. Basis of Remuneration**

The basis of the Joint Administrators' remuneration was fixed on 16 June 2015 by the secured and preferential creditors, when the following resolution was approved:

*"The Joint Administrators' remuneration be fixed on a time costs basis by reference to Smith Cooper /Bates Weston LLP normal rates for the time spent by them and their staff in attending to matters arising in the Administration."*

A breakdown of the time costs incurred during the Review Period is provided at Appendix IV and further information regarding the charge-out rates of the Joint Administrators and their staff is provided at Appendix V.

"A Creditors' Guide to Administrators' Remuneration" is available for download at <http://www.icaew.com/-/media/corporate/files/technical/insolvency/creditors-guides/2017/administration-creditor-fee-guide-6-april-2017.ashx?la=en>

Should you require a paper copy, please send your request in writing to the Joint Administrators at the address on the front of this report and this will be provided to you at no cost.

### **6.2. Remuneration**

#### **6.2.1. During the Review Period**

Remuneration incurred during the Review Period is summarised at Appendix IV, which shows Smith Cooper's time costs totalled c.£4.9k relating to c.27 hours at an average hourly rate of c.£184 and Bates Weston LLP's time costs amounted to c.£1.8k relating to c.8 hours at an average hourly rate of c.£237.

During the period of this report, no fees have been drawn by either Joint Administrators.

The work has been categorised into the following task headings and sub categories which is detailed further in Appendix VI:

- **Administration and planning** includes case planning, maintenance of our case files and insolvency case record, statutory reporting, compliance, cashiering, accounting and administrative functions.
  - **Investigations** include investigating the Company's affairs, compiling information in relation to various antecedent transactions, liaising with solicitors and attending various meetings discussing strategy.
  - **Creditors** corresponding with trade creditors, customer creditors, employee issues; and submitting documentation to HM Revenue & Customs.
-

#### **6.2.2. Since the Joint Administrators Appointment**

Time costs incurred since the Joint Administrators' appointment, being 28 November 2017 to 27 November 2018, consists of Smith Cooper c.£81.7k, relating to c.489 hours at an average hourly rate of c.£167 and Bates Weston c.£47.1k, relating to c.284 hours at an average hourly rate of c.£165.

Remuneration of c.£26.8k plus VAT has been drawn against these outstanding time costs to date, as shown on the receipts and payments account at Appendix II, split as Smith Cooper c.£17k plus VAT and Bates Weston c.£9.8k plus VAT.

#### **6.3. Other professional costs**

SP, a firm of lawyers with the appropriate insolvency expertise, experienced in dealing with both contentious and non-contentious related matters have been instructed to assist with our detailed investigations and settlement negotiations with the various parties.

SP have incurred post appointment time costs of c.£5k plus VAT during the Review Period. Nothing has been paid to SP during the period.

SP's total time costs amount to c.£46.5k of which they have been paid c.£9.9k plus VAT, leaving an outstanding balance of c.£34.1k.

SP's fees are based upon their recorded time costs incurred, and will be reviewed by the Administrators' staff before being approved for payment, to ensure that the time and cost incurred accurately reflects the complexity of the assignment and asset values derived, subject to available assets.

Furthermore, due to the complexity of the investigations and the uncertain prospects of recovery, the Joint Administrators have entered into a CFA with SP which provides for a 20%/40% uplift depending on the outcome and extent of the investigations.

#### **6.4. Comparison of estimates**

The expenses incurred to date are compared with the original expenses estimate as follows:

**Milward Construction (Belper) Limited (In Administration)**  
**The Joint Administrators' Progress Report to 27 November 2018**

Category	Disbursements £	Disbursements £	Disbursements £	Disbursements £
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.				
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	5,009	-	5,009	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	2,000	6,200	48,032	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	425	-	425	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	1,250	-	1,250	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	-	-	475	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	3,000	99	3,842	
Unforeseen investigations and potential rights of action have resulted in additional time and disbursements being spent by SP and disbursements incurred by the Joint Administrators.	800	-	-	
<b>TOTAL</b>	<b>8,675</b>	<b>6,299</b>	<b>59,033</b>	

The bases on which the expenses defined as Category 2 disbursements are calculated are explained in Appendix V.

#### 6.5. Creditors' right to request information

Any secured creditor, or unsecured creditor with the support of at least 5% in value of the unsecured creditors or with permission of the Court, may request in writing the Joint Administrators to provide additional information regarding fees or expenses to that already supplied within this report. Such requests must be made within 21 days of receipt of this report.

#### 6.6. Creditors' right to challenge fees and/or expenses

Any secured creditor, or unsecured creditor with the support of at least 10% in value of the unsecured creditors or with permission of the Court, may apply to the Court for one or more orders, reducing the amount or the basis of fees which the Joint Administrators are entitled to charge or otherwise challenging some or all of the expenses incurred.

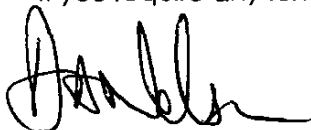
Such applications must be made within 8 weeks of receipt by the applicant(s) of the progress report detailing the fees and/or expenses being complained of.

Please note that such challenges may not disturb fees or expenses (whether or not discharged from the estate) disclosed in prior progress reports.

**7. CONCLUSION**

The Administration will continue in order to progress the claims under section 5 of this report.

If you require any further information please contact Emily Oliver on 01332 332 021.



**D A Nelson**  
Joint Administrator

Dean Nelson and Megan Wallis were appointed Joint Administrators of Milward Construction (Belper) Limited on 28 May 2015. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.

**MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)****STATUTORY INFORMATION**

Company Name	Milward Construction (Belper) Limited	
Previous Names	N/A	
Proceedings	In Administration	
Court	High Court of Justice, Chancery Division, Companies Court	
Court Reference	3587 of 2015	
Date of Appointment	28 May 2015	
Joint Administrators	Dean Nelson Smith Cooper St Helen's House King Street Derby DE1 3EE	Megan Wallis Bates Weston LLP The Mills Canal Street Derby DE1 2RJ
Registered office address	Smith Cooper, St Helen's House, King Street, Derby, DE1 3EE	
Company Number	02645916	
Appointment by	The Directors	

**MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)**

**THE JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT**

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**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £	From 28/05/2018 To 27/11/2018 £	From 28/05/2015 To 27/11/2018 £
SECURED ASSETS		
Goodwill	NIL	4,000.00
	NIL	4,000.00
SECURED CREDITORS		
National Westminster Bank plc	NIL	4,000.00
	NIL	(4,000.00)
ASSET REALISATIONS		
2,850.00 Office Furniture, Plant & Machinery	NIL	4,660.00
4,750.00 Motor Vehicles	NIL	5,500.00
NIL Work in Progress	NIL	7,890.00
5,272.00 Book Debts	NIL	20,978.77
7,946.00 Customer Retentions	NIL	3,803.88
NIL Prepayments & Other Debtors	NIL	NIL
NIL Corporation Tax Refund	NIL	9,955.83
NIL Heron Homes Limited Claim	NIL	NIL
Petition Deposit Refund	NIL	3,138.25
Cash at Bank	NIL	372.77
Creditors' Meeting Funding	NIL	2,613.92
Returned Direct Debits	NIL	1,614.41
Bank Interest Gross	12.64	75.99
Statutory Interest on Book Debts	NIL	246.24
Director's Loan Account	NIL	12,500.00
	12.64	73,350.06
COST OF REALISATIONS		
Specific Bond	NIL	162.00
Creditors' Meeting Costs	NIL	2,613.92
Joint Administrators' Pre-App Fees S	NIL	14,237.10
Joint Administrators Fees - Smith Co	NIL	17,040.15
Joint Administrators Fees - Bates We	NIL	9,798.43
Agents Pre-Appointment Fees	NIL	425.00
Quantity Surveyor's Pre-Appointme	NIL	1,250.00
Pre-Appointment Legal Fees	NIL	1,380.00
Post Appointment Legal Fees	NIL	9,913.56
Corporation Tax	NIL	1,041.58
Quantity Surveyor's Post Appointme	NIL	475.49
Legal Disbursements	1,167.00	3,629.28
Travel/Subsistence	NIL	30.25
Storage Costs	99.26	409.08
Re-Direction of Mail	NIL	160.00
Statutory Advertising	NIL	136.40
Insurance of Assets	NIL	376.91
Land Registry/Company Search	NIL	28.00
Duplicate V5 Documentation Fee	NIL	25.00
	(1,266.26)	(63,132.15)
PREFERENTIAL CREDITORS		
(15,106.00) Employees - Arrears of Pay & Holida	NIL	NIL
	NIL	NIL
FLOATING CHARGE CREDITORS		
(21,898.00) National Westminster Bank plc	NIL	NIL
	NIL	NIL
UNSECURED CREDITORS		
(717,293.00) Trade & Expense Creditors	NIL	NIL

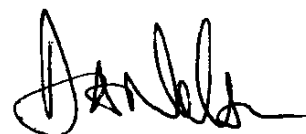
**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £		From 28/05/2018 To 27/11/2018 £	From 28/05/2015 To 27/11/2018 £
(15,400.00)	HMRC - PAYE/NIC	NIL	NIL
(97.00)	HMRC - VAT	NIL	NIL
(25,731.00)	Director's Loan Account - Mr S Milw	NIL	NIL
(4,804.00)	Other Creditors & Accruals	NIL	NIL
(15,232.00)	Employees - Arrears of Pay	NIL	NIL
(78,607.00)	Employees - Redundancy Pay & PIL	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(20,000.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
<b>(893,350.00)</b>		<b>(1,253.62)</b>	<b>10,217.91</b>
	REPRESENTED BY		
	Vat Receivable		219.85
	Floating Charge Account		9,998.06
			<b>10,217.91</b>

Note:

The amounts stated are net of VAT.

Funds are held in a non-interest bearing account.



Dean Nelson  
Joint Administrator

**MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)**

**THE JOINT ADMINISTRATORS' EOS**

**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Estimated Outcome Statement**  
**To 18/12/2018**

Statement of Affairs £	Realised / Paid	Projected	Total £
<b>SECURED ASSETS</b>			
Goodwill	4,000.00	NIL	4,000.00
	4,000.00	NIL	4,000.00
<b>SECURED CREDITORS</b>			
National Westminster Bank plc	4,000.00	NIL	4,000.00
	(4,000.00)	NIL	(4,000.00)
<b>ASSET REALISATIONS</b>			
2,850.00 Office Furniture, Plant & Machinery	4,660.00	NIL	4,660.00
4,750.00 Motor Vehicles	5,500.00	NIL	5,500.00
NIL Work in Progress	7,890.00	NIL	7,890.00
5,272.00 Book Debts	20,978.77	NIL	20,978.77
7,946.00 Customer Retentions	3,803.88	NIL	3,803.88
NIL Prepayments & Other Debtors	NIL	NIL	NIL
NIL Corporation Tax Refund	9,955.83	NIL	9,955.83
NIL Heron Homes Limited Claim	NIL	NIL	NIL
Petition Deposit Refund	3,138.25	NIL	3,138.25
Cash at Bank	372.77	NIL	372.77
Creditors' Meeting Funding	2,613.92	NIL	2,613.92
Returned Direct Debits	1,614.41	NIL	1,614.41
Bank Interest Gross	75.99	NIL	75.99
Statutory Interest on Book Debts	246.24	NIL	246.24
Director's Loan Account	12,500.00	NIL	12,500.00
	73,350.06	NIL	73,350.06
<b>COST OF REALISATIONS</b>			
Specific Bond	162.00	NIL	162.00
Creditors' Meeting Costs	2,613.92	NIL	2,613.92
Joint Administrators' Pre-App Fees SC/BW	14,237.10	NIL	14,237.10
Joint Administrators Fees - Smith Cooper	17,040.15	6,503.70	23,543.85
Joint Administrators Fees - Bates Weston	9,798.43	1,349.73	11,148.16
Agents Pre-Appointment Fees	425.00	NIL	425.00
Quantity Surveyor's Pre-Appointment Fees	1,250.00	NIL	1,250.00
Pre-Appointment Legal Fees	1,380.00	NIL	1,380.00
Post Appointment Legal Fees	9,913.56	1,517.11	11,430.67
Corporation Tax	1,041.58	NIL	1,041.58
Quantity Surveyor's Post Appointment Fee	475.49	NIL	475.49
Legal Disbursements	3,629.28	NIL	3,629.28
Travel/Subsistence	30.25	NIL	30.25
Storage Costs	409.08	847.37	1,256.45
Re-Direction of Mail	160.00	NIL	160.00
Statutory Advertising	136.40	NIL	136.40
Insurance of Assets	376.91	NIL	376.91
Land Registry/Company Search	28.00	NIL	28.00
Duplicate V5 Documentation Fee	25.00	NIL	25.00
	(63,132.15)	(10,217.91)	(73,350.06)
<b>PREFERENTIAL CREDITORS</b>			
(15,106.00) Employees - Arrears of Pay & Holiday Pay	NIL	NIL	NIL
	NIL	NIL	NIL
<b>FLOATING CHARGE CREDITORS</b>			
(21,898.00) National Westminster Bank plc	NIL	NIL	NIL

**Milward Construction (Belper) Limited**  
**(In Administration)**  
**Joint Administrators' Estimated Outcome Statement**  
**To 18/12/2018**

Statement of Affairs £		Realised / Paid	Projected	Total £
		NIL	NIL	NIL
	UNSECURED CREDITORS			
(717,293.00)	Trade & Expense Creditors	NIL	NIL	NIL
(15,400.00)	HMRC - PAYE/NIC	NIL	NIL	NIL
(97.00)	HMRC - VAT	NIL	NIL	NIL
(25,731.00)	Director's Loan Account - Mr S Milward	NIL	NIL	NIL
(4,804.00)	Other Creditors & Accruals	NIL	NIL	NIL
(15,232.00)	Employees - Arrears of Pay	NIL	NIL	NIL
(78,607.00)	Employees - Redundancy Pay & PILON	NIL	NIL	NIL
		NIL	NIL	NIL
	DISTRIBUTIONS			
(20,000.00)	Ordinary Shareholders	NIL	NIL	NIL
		NIL	NIL	NIL
<u>(893,350.00)</u>		<u>10,217.91</u>	<u>(10,217.91)</u>	<u>NIL</u>

REPRESENTED BY

Vat Receivable	219.85	(219.85)	NIL
Floating Charge Account	9,998.06	(9,998.06)	NIL
	<u>10,217.91</u>	<u>(10,217.91)</u>	<u>NIL</u>



Dean Nelson  
Joint Administrator

**MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)**

**THE JOINT ADMINISTRATORS' TIME COSTS DURING REVIEW PERIOD AND CUMULATIVE**

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## MILWARD CONSTRUCTION (BELPER) LIMITED

SMITH COOPER'S SUMMARY OF TIME SPENT IN THE PERIOD FROM 28 MAY 2018 2017 TO 27 NOVEMBER 2018

CLASSIFICATION OF WORK FUNCTION	HOURS SPENT					TOTAL COSTS £	AVERAGE HOURLY RATE £
	Partners/ Directors	Manager	Other/Senior Professionals	Assistants & Support Staff	Total Hours		
Case Administration and Planning	0.30	5.60	0.40	7.70	14.00	1,915.50	136.82
Investigations	4.70	0.30	-	-	5.00	1,725.50	345.10
Realisation of Assets	-	-	-	-	-	-	-
Cashiering	1.20	0.70		3.70	5.60	832.00	148.57
Creditors	1.40	0.20	-	0.50	2.10	440.00	209.52
Total Hours	7.60	6.80	0.40	11.90	<b>26.70</b>		
Total Costs £						<b>4,913.00</b>	<b>184.01</b>

**MILWARD CONSTRUCTION (BELPER) LIMITED**

**BATES WESTON'S SUMMARY OF TIME SPENT IN THE PERIOD FROM 28 MAY 2018 TO 27 NOVEMBER 2018**

CLASSIFICATION OF WORK FUNCTION	HOURS SPENT					TOTAL COSTS £	AVERAGE HOURLY RATE £
	Partners/ Directors	Manager	Other/Senior Professionals	Assistants & Support Staff	Total Hours		
Case Administration and Planning	4.40	-	-	-	4.40	1,056.00	240.00
Investigations	0.70	-	-	-	0.70	168.00	240.00
Realisation of Assets	2.40	0.30	-	-	2.70	621.00	230.00
Reporting	-	-	-	-	-	-	-
Creditors	-	-	-	-	-	-	-
Total Hours	7.50	0.30	-	-	7.80		
Total Costs £	-	-	-	-	-	1,845.00	236.54

## MILWARD CONSTRUCTION (BELPER) LIMITED

SMITH COOPER'S SUMMARY OF TIME SPENT IN THE PERIOD FROM 28 MAY 2015 TO 27 NOVEMBER 2018

CLASSIFICATION OF WORK FUNCTION	HOURS SPENT					TOTAL COSTS £	AVERAGE HOURLY RATE £
	Partners/ Directors	Manager	Other/Senior Professionals	Assistants & Support Staff	Total Hours		
Case Administration and Planning	11.30	43.10	72.20	57.10	183.70	25,796.35	140.43
Investigations	33.60	11.10	4.50	11.65	60.85	14,742.00	242.27
Realisation of Assets	6.90	7.30	2.10	0.60	16.90	4,027.30	238.30
Cashiering	10.20	6.00	0.30	45.40	61.90	8,417.20	135.98
Creditors	20.70	45.50	80.80	18.60	165.60	28,763.60	173.69
Total Hours	82.70	113.00	159.90	133.35	<b>488.95</b>		
Total Costs £	23,470.10	19,305.40	20,435.68	9,122.10		<b>81,746.45</b>	<b>167.19</b>

MILWARD CONSTRUCTION (BELPER) LIMITED

BATES WESTON'S SUMMARY OF TIME SPENT IN THE PERIOD FROM 28 MAY 2015 TO 27 NOVEMBER 2018

CLASSIFICATION OF WORK FUNCTION	HOURS SPENT					TOTAL COSTS £	AVERAGE HOURLY RATE £
	Partners/ Directors	Manager	Other/Senior Professionals	Assistants & Support Staff	Total Hours		
Case Administration and Planning	59.30	1.20	2.50		63.00	13,767.00	218.52
Investigations	78.30	8.50	22.70	61.60	171.10	22,433.00	131.11
Realisation of Assets	19.90	0.30	3.40	-	23.60	5,133.00	217.50
Reporting	1.10	-	-	-	1.10	253.00	230.00
Creditors	24.20	-	1.40	-	25.60	5,535.00	216.21
Total Hours	182.80	10.00	30.00	61.60	<b>284.40</b>		
Total Costs £						<b>47,121.00</b>	<b>165.69</b>

\*Please note that a discrepancy of c.£0.85k was identified in the reporting of Bates Weston's time in previous reports. This has now been identified and the time reported above reflects the corrected position.

**MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)**

**CHARGE-OUT RATES AND BASES OF CATEGORY 2 DISBURSEMENTS**



Derby | St Helen's House | King Street | Derby | DE1 3EE | 01332 332021  
Nottingham | 2 Lace Market Square | Nottingham | NG1 1PB | 0115 945 4300  
Birmingham | 158 Edmund Street | Birmingham | B3 2HB | 0121 236 6789  
Ashbourne | 54 St John Street | Ashbourne | DE6 1GH | 01335 343 141  
Leicester | 53 Windsor Street | Burbage | Leicestershire | LE10 2EE | 01455 614 500  
Telford | M54 Space Centre | Halesfield Business Park | Halesfield 8 | Telford | TF7 4QN | 01952 601052

## INFORMATION FOR CREDITORS IN RELATION TO FEES AND DISBURSEMENTS

### INFORMATION RELEVANT AT 1 APRIL 2017

W	smithcooper.co.uk
F	01332 650290
VAT	123354934

#### General information to creditors regarding insolvency matters

Creditors wishing to understand or find out more information in relation to this or any other type of insolvency process may visit the website:

<http://www.creditorinsolvencyguide.co.uk/>

This website is a step-by-step guide designed to help creditors navigate their way through an insolvency process and has been produced by R3, the UK insolvency trade body.

A creditors' guide to the fees payable in an insolvency process and the process an insolvency practitioner is required to adopt for seeking approval of his or her fees may be acquired from the following website:

<https://www.r3.org.uk/what-we-do/publications/professional/fees>

If any party is unable to obtain a copy of either of the above guides, please contact the individual referred to below who will furnish you with a copy, free of charge:

- Contact – Emily Oliver
- Telephone – 01332 332021
- Email – [creditor.correspondence@smithcooper.co.uk](mailto:creditor.correspondence@smithcooper.co.uk)
- Post – St Helen's House, King Street, Derby, DE1 3EE

#### Sent from: Smith Cooper, St Helen's House, King Street, Derby DE1 3EE

Smith Cooper is the trading name of SC Advisory Services Limited, a company registered in England. Registered number: 7678255  
Registered Office: St Helen's House, King Street, Derby DE1 3EE  
A list of directors is available for inspection at the above address.



Dean Anthony Nelson, Nicholas Charles Osborn Lee, Andrew Paul Stevens and Michael Paul Roome are licensed in the United Kingdom to act as Insolvency Practitioners by the Institute of Chartered Accountants in England and Wales. They are all bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment, which can be found at: <https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>. When acting as Receiver, Administrative Receiver or Administrator they act as agent only, without personal liability and when acting as Administrator, the affairs, business and property of the company are being managed by them.

Regulated by the Institute of Chartered Accountants in England & Wales for a range of investment business activities.

When taking appointments, the firm's licensed Insolvency Practitioners are Data Controllers of personal data as defined by the Data Protection Act 1998 and the General Data Protection Regulations 2018. Smith Cooper will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the appointments which they take. For further details see the firm's privacy policy.

### Information specific to Smith Cooper

Grade	Charge out rate (£ per hour)
Partner	355
Director	255
Manager	190
Assistant Manager	190
Senior Insolvency Administrator	165
Administrator	130
Junior Administrator	90
Cashier	90
Other	60
Time costs are calculated using 6 minute units.	

The Office Holder does not recover the costs of support staff other than where their time is specifically incurred and can be identified in dealing with work undertaken on a specific engagement.

### Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

### Disbursements

In accordance with Statement of Insolvency Practice 9 (SIP9) the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1, being expenses directly referable to a third party, eg statutory advertising, external meeting room hire, specific bond insurance and courier costs, external archive, storage and subsequent destruction and Company Search fees, or Category 2, being expenses incurred by the firm and recharged to the estate, which may include a profit element, eg postage, stationery and storage.

Category 1 disbursements are recoverable in full from the estate without the prior approval of creditors. Category 2 disbursements are recoverable in full from the estate, subject to the basis of the disbursement allocation being approved by creditors in advance.

Category 2 disbursements are proposed to be recovered, subject to obtaining the requisite approval, as follows:-

Postage	Charged at actual cost (first class)
Photocopying	Recharged at 17p per sheet
Storage	Charged at cost
Room Hire	£50 per meeting held Smith Cooper offices
Archiving case files & closure	Recharged at £42.70 per box
Archiving records & closure	Recharged at £9.55 per box
Mileage	45p per mile

**BATES WESTON**  
**LIQUIDATOR'S FEE SCALES AND CHARGES**  
**AS FROM MAY 2017**

**SUMMARY OF CURRENT HOURLY CHARGE OUT RATES**

Insolvency Practitioner	£230 to £250
Manager	£150
Support Staff	£24 to £82

Time is recorded and charged to the case on a daily basis in units of not less than one-tenth of one hour (i.e. 6 minutes).

**SUMMARY OF CATEGORY 1 DISBURSEMENT CHARGES**

Postage – First Class Rate

**SUMMARY OF CURRENT CATEGORY 2 DISBURSEMENT CHARGES**

Mileage is charged at 45p per mile

Stationery and photocopying is charged as follows:-

Letterhead	04p per sheet
Plain Paper	01p per sheet
Photocopying	07p per single sided copy or 14p per double sided copy
Envelopes	12p or 18p per envelope

## MILWARD CONSTRUCTION (BELPER) LIMITED (IN ADMINISTRATION)

## DETAILS OF WORK UNDERTAKEN BY THE JOINT ADMINISTRATORS

Category	Details
Administrative	
Statutory requirements	Filing of documents to meet statutory requirements Annual corporation tax returns Quarterly VAT returns
Administrative	Filing of documents Periodic file reviews Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Banking	Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Meetings	Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Records and reports	Dealing with records in storage
Progress reports	Preparing six monthly progress reports
Investigations	
Company records	Reviewing company's books and records Review of specific transactions and liaising with directors regarding certain transactions Liaising with the major creditors about further action to be taken
Litigation	Strategy meeting regarding litigation Liaising with solicitors regarding recovery actions Attending to negotiations either by correspondence or meetings Attending to settlement matters Receiving and accounting for settlement funds
Dividend distribution	
Creditor enquiries	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via email
Dealing with POD	Receipting and filing POD when not related to a dividend
Processing POD	Preparation of correspondence to potential creditors inviting submission of POD Receipt of POD

# AM10

## Notice of administrator's progress report



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name	Emily Oliver
Company name	Smith Cooper
Address	St Helens House King Street
Post town	Derby
County/Region	
Postcode	D E 1 3 E E
Country	
DX	
Telephone	01332 332021



### Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



### Important information

All information on this form will appear on the public record.



### Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)